



Linda S. Adams
*Secretary for
Environmental Protection*

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

Certified Mail: 7003 1680 0000 6174 8586

September 7, 2007

Mr. Brian Moss, Director
Calaveras County
Department of Environmental Health
891 Mountain Ranch Road
San Andreas, California 95249

Dear Mr. Moss:

The California Environmental Protection Agency (Cal/EPA) conducted a program evaluation of Calaveras County Environmental Health Department Certified Unified Program Agency (CUPA) on August 14, 2007. The evaluation was comprised of an in-office program review. The State evaluator completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff, which includes an identified deficiency and the corrective action taken, program observations and recommendations, and examples of outstanding program implementation.

The enclosed Evaluation Summary of Findings is now considered final and based upon review, I find that Calaveras County Environmental Health Department's program performance meets or exceeds standards.

Cal/EPA also noted during this evaluation that Calaveras County Environmental Health Department has worked to bring about a number of local program innovations, such as their excellent outreach and compliance assistance to the regulated business community and their use of GIS and CAD programming as their mapping system for all environmental health programs, including the Unified Program elements. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

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Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,

[Original signed by Don Johnson]

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosure

cc: Please see next page.

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cc: Mr. Jason Boetzer, REHS (Sent Via Email)
CUPA Program Manager
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891 Mountain Ranch Road
San Andreas, California 95249

Mr. Kevin Graves (Sent Via Email)
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Mr. Brian Abeel (Sent Via Email)
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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS

CUPA: CALAVERAS COUNTY ENVIRONMENTAL HEALTH DEPARTMENT

Evaluation Date: August 14, 2007

EVALUATION TEAM

Cal/EPA: Jennifer Lorenzo

This Evaluation Summary of Findings includes the deficiencies identified during the evaluation, program observations and recommendations, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Jennifer Lorenzo at (916) 327-9560.

	<u>Deficiency</u>	<u>Preliminary Corrective Action</u>
1	Based on the Summary Reports, the CUPA is not accurately reporting Return to Compliance (RTC) on their Annual Inspection Summary Report 3. The primary reason for the inaccurate reports has been due to data system related issues. CCR, Title 27, Section 15290 (a)(2) [Cal/EPA]	The CUPA corrected this deficiency. The CUPA reconfigured their database management system (Decade Envision) to reflect the correct RTC on their Annual Inspection Summary Report.

CUPA Representative

JASON BOETZER

(Print Name)

[Original signed by]

(Signature)

Evaluation Team Leader

JENNIFER L. LORENZO

(Print Name)

[Original signed by]

(Signature)

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section address activities the CUPA are implementing and/or may include areas for continuous improvement not specifically required of the CUPA by regulation or statute.

1. **Observation:** The CUPA staff is essentially composed of one full-time staff member, Mr. Jason Boetzer, who is a Registered Environmental Health Specialist and also the CUPA Program Manager. The CUPA Program Manager conducts the basic functions of the entire CUPA program for Calaveras County. Mr. Tony Maris, who is also a Registered Environmental Health Specialist with Calaveras County and ICC-certified, has previously assisted Mr. Boetzer with UST inspections.

Recommendation: The CUPA is encouraged to continue to cross-train staff, including Mr. Maris and/or other Environmental Health inspectors, to ensure the sustainability of the CUPA program within the County of Calaveras.

2. **Observation:** The CUPA has a single fee collection rate of approximately 94%, 105%, and 91% for the last three fiscal years.

Recommendation: The CUPA is able to collect its fees at a high rate and is encouraged to continue to do so.

3. **Observation:** The CUPA's self-audit reports are well-written. The CUPA uses the self-audit guidance checklist and provides a concise summary of all the program activities and any additional narrative requirements separately.
4. **Observation:** The CUPA's facility files are well-organized.

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. Mr. Jason Boetzer has continued to implement and maintain an excellent Unified Program for the County of Calaveras. His dedication for environmental protection and public safety is evident through his personal efforts in educating each and every one of the regulated businesses. In addition to his basic duties as the CUPA Program Manager, overseeing all of the six Unified Program elements, including the administration of and meeting all of the inspection frequencies of the business plan, CalARP, UST, and hazardous waste generator programs, Mr. Boetzer also responds to and investigates hazardous material and hazardous waste complaints. The CUPA Program Manager also implements the Local Implementing Agency (LIA) program and oversees the cleanup and investigation from unauthorized releases at UST facilities affecting soil only. During fiscal year (FY) 05/06, Calaveras County Environmental Health CUPA was delegated by the Health Officer to implement the Methamphetamine Contaminated Property Act of 2005. The CUPA Program Manager also assists with other Environmental Health Programs within Calaveras County Environmental Health Department when requested.

Additionally, Mr. Boetzer regularly attends the Northern California CUPA Forum Regional meetings, is a member and the Treasurer of the CUPA Forum Board, is the Northern California UST Issue Coordinator and participates in the Northern California UST TAG. The CUPA Program Manager currently responds with the Calaveras County Hazardous Material Response Team to hazardous material incidents if requested and as it pertains to the implementation of the Methamphetamine Contaminated Property Act of 2005. In 2004, the CUPA Program Manager assisted one UST facility in procuring the RUST grant to upgrade their Phase I EVR and to conduct the Enhanced Leak Detection test. He similarly assisted two other UST facilities in 2005. Furthermore, the CUPA Program Manager spent a significant amount of time assisting and training a neighboring county with the implementation of their CUPA program during FY 05/06. The neighboring county lost experienced staff and requested assistance in conducting inspections and the administration of the Unified Program in FY 05/06.

At the February 2007 CUPA Conference in Garden Grove, CA, Mr. Boetzer was awarded the "Outstanding CUPA Individual Award."

2. Since the CUPA's certification on June 1, 2002, annual UST inspections have been met, while exceeding the triennial inspection frequency for the business plan and hazardous waste generator programs. Currently, there is no CalARP facility within the county.

Moreover, prior to the CUPA's certification in 2002, Calaveras County Office of Emergency Services (OES) implemented the CalARP program. To ensure that all facilities that previously submitted RMPs to Calaveras County OES were in compliance, the CUPA sent questionnaires to all of these facilities in 2004. All of the facilities no longer handle regulated substances and have since changed their processes; these facilities were instead requested to submit business plans. The CUPA inspected about ten of these facilities to verify compliance in 2005.

Certified Unified Program Agency (CUPA)
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3. The CUPA maintains excellent communication with the regulated business community through outreach. For first time inspections of facilities, the CUPA focuses on education and compliance assistance. During the inspection or meeting with the business owner or operator, the CUPA Program Manager assists the facility in completing the Unified Program consolidated application. Educational material specific to the facility is also provided during each inspection, including the universal waste fact sheet. The CUPA Program Manager and Calaveras County Agriculture Department staff conducted educational site visits at approximately six wineries during FY 04/05. Educational material was provided to each facility that explained the six elements of the CUPA program.

In FY 04/05 and FY 06/07, the CUPA Program Manager provided an 8-hour UST designated operator training seminar for UST owners/operators and contractors to prepare them for the UST Designated Operator exam. The CUPA Program Manager coordinated with RCRC and ICC to have the UST Designated Operator Test held locally for the UST owners and operators in December 2004.

In FY 05/06, the CUPA Program Manager participated in public outreach events (County Fair and Watershed Festival), disseminating information to the public regarding the proper management of hazardous material/waste and universal waste regulations.

4. Calaveras County CUPA maintains great coordination with other agencies within the county. Coordination and consistency within the County is achieved through regularly scheduled meetings with the Calaveras County OES, the Fire Chief's Association, and the Calaveras County Task Force meetings. During FY 05/06, the CUPA met with Calaveras County OES and the Fire Chiefs at least quarterly and the Task Force at least every other month.

Beginning FY 04/05, the CUPA worked in conjunction with the Calaveras County Agriculture Department to determine which agricultural facilities in Calaveras County were handling hazardous materials. The County Agriculture Department had these facilities complete a questionnaire when they were completing their annual registration. The majority of the agriculture facilities that handle or store hazardous materials in Calaveras County are vineyards. In addition to outreach programs at the wineries, the CUPA Program Manager and Agriculture Department staff conducted three multi-media inspections during FY 05/06.

The CUPA has also conducted joint inspections with other local and state agencies, including Code Compliance, the Air Pollution Control District, the State Fire Marshall's Office, and the Department of Toxic Substances Control.

5. The CUPA is innovative in their use of technology. The CUPA continues to GPS all regulated facilities, scan site maps, and provide the information electronically to Calaveras County OES, Fire Departments, and CDF Dispatch. Calaveras County CUPA also continues to draw all UST site maps in CAD. These maps are provided to all owners and operators.

The CUPA combines both CAD and GIS programming as their mapping system for all Environmental Health programs including Unified Program elements. Some of the capabilities

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are as follows: up-to-date facility information for emergency response agencies; identification of each facility by type of program element; attached site maps and aerial photos; the relationship between UST sites and any wells; and other facility information. The initiation and creation of the “as-built” UST facility plans within their mapping software has allowed for the visualization of the tanks, sensors, piping, etc. The UST site maps are available to the regulated business community to support maintenance and upgrades. The chemical inventory is one of the next features to be added to the computer mapping system for fire departments and emergency response agencies.

Calaveras County Environmental Health Department plans to use tablet PCs (Field Inspection System) within a year or two to perform inspections and record violations electronically in the field.

6. The Calaveras County CUPA successfully completed their first formal enforcement case in 2005 and settled their first administrative enforcement order (AEO) in 2007. In September 2005, Calaveras County CUPA worked with the Environmental Circuit Prosecutor to prosecute their first hazardous waste enforcement case against the illegal operation of a diesel engine repair business on a residential property in Calaveras County. In April 2007, the CUPA completed and settled their first AEO against Wallace Gas & Food for UST violations for \$8,000.

In addition, the Calaveras County Board of Supervisors adopted Resolution No. 05-315, November 28, 2005, establishing the Unified Program Agency (UPA) enforcement penalties designated fund pursuant to California Health and Safety Code Chapter 6.11 Section 25404.1.1(i). All penalties assessed and collected by Calaveras County CUPA are designated into this fund and ensures that the fund is specifically for Calaveras County Environmental Health Department to administer and implement the Unified Program within their jurisdiction.